

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

STATE FARM FIRE AND CASUALTY )  
COMPANY as subrogee of Marcus A. )  
Brawner, )  
Plaintiff, ) No. 3:20-cv-00300  
v. ) Judge Aleta A. Trauger  
AVANT STYLES LLC, also doing )  
business as VIRTU USA, )  
Defendant. )

**DEFAULT JUDGMENT**

Pending before the Clerk is Plaintiff's Second Motion for Default Judgment against Avant Styles LLC d/b/a Virtu USA ("Defendant") pursuant to Fed. R. Civ. P. 55(b)(1). (Doc. No. 37). For the following reasons, Plaintiff's Motion is **GRANTED**.

This action was brought by Plaintiff on April 9, 2020, seeking redress for alleged violations of the Tennessee Products Liability Act ("FDCPA"), breach of implied warranty, and negligence. (Doc. No. 1). Defendant was served with the Complaint and Summons on September 3, 2020. (Doc. No. 20). On October 26, 2020, the Clerk entered default against Defendant for failure to appear or otherwise respond to Plaintiffs' Complaint (Doc. No. 24). On January 6, 2021, Plaintiff filed the pending Second Motion for Default Judgment (Doc. No. 29). In support of its Motion, Plaintiff submits the Declaration of Alan Campbell along with exhibits supporting Plaintiff's claim for recovery in the amount of \$190,683.64. (Doc. No. 37-1). Defendant has not responded to the pending Motion.

Upon entry of default, well-pleaded allegations relating to liability are taken as true. *In Re: Family Resorts of America, Inc.*, No. 91-4127, 1992 WL 174539, at \*4 (6th Cir. July 24, 1992). Thereafter, “[i]f the plaintiff’s claim is for a sum certain or a sum that can be made certain by computation,” the Clerk may enter default judgment “on the plaintiff’s request with an affidavit showing the amount due.” Fed. R. Civ. P. 55(b)(1). Upon review of Plaintiff’s Motion, supporting Memorandum, and Declaration of Alan Campbell, the Clerk finds that Plaintiff Second Motion for Default Judgment (Doc. No 37) is well taken and should be granted.

Accordingly, the Clerk hereby enters judgment against Defendant Avant Styles LLC d/b/a Virtu USA in the amount of \$190,683.64, plus post-judgment interest as provided by 28 U.S.C. §1961. Plaintiff may move for taxable costs pursuant to Federal Rule of Civil Procedure 54(d)(1) and Local Rule 54.01(a).

s/ Lynda M. Hill  
Lynda M. Hill  
Clerk of Court